

UNITED STATES DISTRICT COURT  
for theCLERK'S OFFICE U.S. DIST. COURT  
AT DANVILLE, VA  
FILED

APR 25 2008

Western District of Virginia

JOHN F. CORCORAN, CLERK  
BY: HMcDonald  
DEPUTY CLERK

United States of America

)

v.

)

Sherman Jerome Foye

)

)

Date of Previous Judgment: February 21, 2002

(Use Date of Last Amended Judgment if Applicable)

Case No: 4:01CR70056-004USM No: 06247-084

Defendant's Attorney

## Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

DENIED.  GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months is reduced to \_\_\_\_\_.

**I. COURT DETERMINATION OF GUIDELINE RANGE** (Prior to Any Departures)

Previous Offense Level: \_\_\_\_\_

Amended Offense Level: \_\_\_\_\_

Criminal History Category: \_\_\_\_\_

Criminal History Category: \_\_\_\_\_

Previous Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months

Amended Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months

**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- Other (explain): \_\_\_\_\_

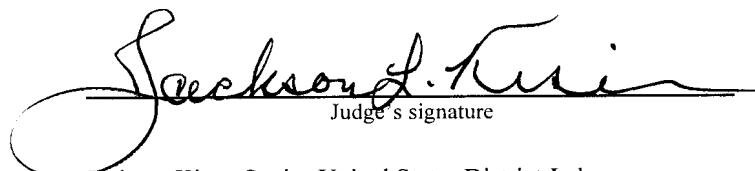
**III. ADDITIONAL COMMENTS**

Defendant was sentenced to the statutory minimum sentence allowed, and therefore is ineligible for a reduction in sentence.

Except as provided above, all provisions of the judgment dated 2/21/2002 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: 4-25-08



Jackson Kiser  
Judge's signature

Effective Date: \_\_\_\_\_  
(if different from order date)

Jackson Kiser, Senior United States District Judge

Printed name and title